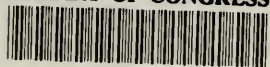


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SPEECH

OF

HON. JAMES S. GREEN, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1848.

In Committee of the Whole on the state of the Union, on the Resolutions referring the President's Message to the various Standing Committees.

Mr. GREEN said :

Mr. CHAIRMAN: I am highly pleased with the manner and style of the honorable gentleman from Maryland, [Mr. ROMAN,] who has just taken his seat; but however much I may have been attracted by his rhetoric, and entertained with his arguments, yet I can by no means subscribe to his sentiments, or agree to his conclusions; from all of which I materially and essentially differ. And, in consequence of such difference, I feel constrained to give some reasons, which, to myself at least, are of a satisfactory character; not, however, with the hope or expectation of shedding any new light upon the subject under consideration, or of presenting any new facts, of which gentlemen present are not already fully advised; but merely for the purpose of stating my own deductions from admitted facts, in vindication of the course I shall pursue, and the several votes I shall necessarily give, on the subject of the Mexican war. This is regarded as due, not only to myself, but especially to those whom I have the honor to represent, and whose sentiments it becomes my duty to sustain to the best of my ability.

The principal, if not indeed the *only* point in the arguments of gentlemen on the other side of the House, to which I propose calling the attention of the committee, is the very extraordinary charge made against the President of the United States. He is charged with having commenced the war with Mexico unnecessarily, and in violation of the Constitution. But let it be remembered, that this charge is made by many of the *same* members, who, at the last session, voted to *declare*, to *support*, and to *prosecute*, the war. Most strange and remarkable is the wonderful revolution wrought in their sentiments since the appearance of the celebrated Lexington speech!

In attempting to do justice to the President, and to vindicate him against this injurious accusation, I wish to call the attention of the committee to a few facts, known to exist, and about which there can be no controversy. But, first, let us pause a moment, and consider who make this charge, and under what circumstances it is made. Does a majority of the people's representatives in Congress either make or endorse it? Will a majority of the people themselves sustain it? No, sir; I cannot believe it. So far as information is before us, they are warranted in believing that a large majority of the people of the United States will

triumphantly sustain the President. Out of two hundred and twenty-eight votes in this House, only eighty-two gentlemen have endorsed the charge. And do they, in this act, truly represent the sentiments of their constituents? Are they acting in conformity with the views of the people? Are they carrying out their will, which should always be held sacred? We think not. And especially do we feel warranted in this conclusion, from the fact that the gentleman from Illinois, [Mr. LINCOLN,] one of the eighty-two, admitted that he came to the seat of Government without having formed any opinion on the subject; that when he voted as he did, it was from a hasty and imperfect examination; and that it was the first time he had ventured to make such a declaration. Of course, therefore, he did not canvass the subject before the people, and cannot say his vote will meet their approbation. There may be others in the same condition. Moreover, that honorable gentleman represents the chivalrous district in Illinois from which the gallant Hardin rushed to the battle-field. And can it be possible that the brave survivors of the noble Hardin, who sacrificed his life in the prosecution of the war, would now declare that *that contest* in which they engaged with so much patriotic ardor, was unjust and unconstitutional? No, sir, no; this cannot be. They no doubt felt and believed, when they voluntarily relinquished the pursuits of private life, and went forth to meet the enemy, and grapple with their country's foe, that they were engaged in an honorable, just, and necessary war, wrongfully commenced by the act of Mexico,—and these feelings nerved their arms, and animated their bosoms throughout the sanguinary conflict. And now, to characterize the war as *unjust and unconstitutional*, is an act of unpardonable injury, not only to the country at large, but especially to those brave and noble spirits who have volunteered their services in the contest.

It is, however, worthy of remark, that this unjust imputation against the President has been made only by a *portion* of his political opponents, and by his bitter enemies. The fact that *all* his political friends and *some* of his opponents sustain his conduct in this matter, proves that he is not justified on mere party grounds, but on *principle*, and in justice to him and the country. Whether the approaching Presidential election in 1848, and the political effect to be produced by a censure of the President has had any influence on the minds

of those who have voted the charge, I will not even pretend to say, but leave it, on the true facts of the case, for the country to judge. And be it as it may, we are ready and willing to join issue on this question, and go before the impartial voters of the nation for their decision.

This brings me to the main point—to consider whether the war was unnecessarily and unconstitutionally commenced by the act of the President. This charge, however, is very cautiously and dexterously made. It does not affirm the war to be now unconstitutional, but merely that it was commenced without constitutional authority. Now, if the honorable gentlemen will express an abstract opinion, as they have done in reference to the commencement of the war, why not say, in explicit terms, whether the war is now unnecessary and unconstitutional? There is certainly more necessity for expressing your opinion in the latter case than in the former. Then, why not declare your opinions? Show your hands fully. Let the people understand your positions. Make no effort to deceive them; for to them we are all justly responsible.

But what is the specific act charged against the President? It is marching the army into disputed territory, and posting it on the left bank of the Rio Grande, in the month of April, 1846. This, sir, is the specification. I present the issue fairly, and intend to meet it fairly. Now, so far as this act is concerned—if that be the unconstitutional act of which gentlemen accuse the President, and the commencement of the war—then, so far as opinion is concerned, he and General Taylor occupy precisely the same ground. On the 4th of October, 1845, long before the march of the army to the Rio Grande, General Taylor wrote to the department at Washington as follows:

"For these reasons, our position thus far has, I think, been the best possible; but now that the entire force would soon be concentrated, it may well be a question whether the views of the Government would be carried out by remaining at this point. It is with great deference that I make any suggestion on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt that the settlement would be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river."

Here, then, is the advice of General Taylor to do that act at once which the President refused to do for long afterwards, and until all efforts at negotiation had wholly failed; and yet, for the doing of which the President is censured by these gentlemen, while they seek to reward General Taylor with the Presidency of the United States. Surely an inconsistency so gross cannot deceive any one, however blinded by party prejudice. But I hold, sir, that General Taylor and the President are both justifiable for that act, in which they did nothing more than was required of them, and was authorized by the Constitution and laws passed in pursuance thereof. And I believe a proper consideration of all the facts involved, and a careful examination of the true relations existing between the United States and Mexico at that time, will abundantly prove my position, and sustain the President against all successful attacks. I do not justify this act of the President because Mexico owes us money—because she has perpetrated outrages and wrongs on our commerce, and on the persons and property of our citizens—nor even because she has insulted

us as a nation; for, although these things may present good grounds why Congress should declare war against her, and although they do show in an eminent degree the justice of the war since the 13th May, 1846, when declared by Congress, and also the necessity of a vigorous prosecution of the war, in order to obtain satisfaction and justice from the enemy, yet they do not, in my opinion, justify the President for the commencement of the war, if, in fact, he did commence it, as charged by his opponents. But I justify his conduct on other and entirely different ground. And if it shall appear that he is sustained and supported in what he did by constitutional authority, then these injurious charges which have been made against him must and will be hurled back with a crushing weight on the heads of those who have, either thoughtlessly or maliciously, made them.

Mr. Chairman, this subject presents a grave and important inquiry. And if the President has been guilty of the unconstitutional acts of which he is accused, then let no party zeal, let no party attachment, seek to cloak the criminality of so serious an abuse of place and authority; but let us speak out boldly and conscientiously, whatever may be the effects upon party—even to its utter annihilation.

Yes, sir, we will stand by the Constitution of our country as the best guarantee of liberty, and not by any man who violates it. But, on the other hand, high-sounding epithets and bold assertions will not frighten and induce us to abandon the President without a careful investigation of the charges brought against him.

Now let us carefully consider the facts involved in this inquiry.

First. On the 4th of July, 1845, the annexation of Texas to the United States became complete, and from that time forth it became the duty of the President of the United States to protect and defend her against invasion. This position has never been and can never be successfully controverted. And here let me correct an error into which the gentleman from Maryland [Mr. Roman] seems to have fallen. He appeared to think that the President could do nothing of a warlike character without the previous concurrence of Congress; but such is a mistake. It is the President's right and duty to repel invasion and suppress insurrection, without any action on the subject by Congress. If either invasion or insurrection should be known to him to exist, it is his constitutional duty to repel the one and suppress the other; and to neglect to do so, would be a violation of his oath of office.

In the second place: When the annexation of Texas took place, the Mexican Government protested against it, and declared she would consider the annexation of Texas as a declaration of war. But, notwithstanding the protest of Mexico, Texas was annexed by the act of Congress, and, according to the protest of Mexico, and the opinions of Mr. Clay, Mr. Gallatin, and many other leading Whigs, a state of war with Mexico was thereby produced. Bear in mind, however, that this state of war between the United States and Mexico was all brought about by the act of Congress, the war-making power, and not by the President.

Again: after this event, the Mexican minister demanded his passports, and withdrew from his official position near this Government, evi-

dencing the termination of all friendly relations. And, thereupon, Mexico threatened to invade Texas, and issued her proclamations, and commenced raising and organizing troops for that particular purpose. On the west of the Rio Grande, she had collected about seven thousand troops, with the express design of invading Texas. As yet, however, the United States had done nothing of a hostile character, nor any act of which Mexico complained, except the annexation of Texas by the act of Congress. Now, whether Mexico had any just cause of offence or not, (and I say she had no just cause,) still, I insist, as she chose, in fact, so to consider the annexation of Texas, and did make preparations and threats to invade Texas, it was the duty of the President to look at the facts as they stood, and to act in view of them. When Mexico notified us that annexation would, in her understanding, be *war*, and when she accordingly openly prepared for war, I say it was the President's duty to prepare for the consequences. We had elected him President; the President is bound to repel invasion; Mexico had threatened invasion; had withdrawn her minister, and raised her armies: and will any man deny that it was the President's duty to prepare to repel that invasion? However unfounded the views Mexico chose to take of annexation, still she took them, avowed them, gave us warning of them, acted upon them; and that being the case, the President must govern himself accordingly. Now, in this condition of affairs, could the President stand still, and permit our country to be overrun by the enemy? No, sir. It was his imperative duty to prepare to repel the invasion, and to place the army at the most eligible point for that purpose. That point General Taylor considered the left bank of the Rio Grande. And in the discharge of this duty to repel invasion, wherever and whenever threatened, he was bound to place the army on the *disputed territory*. This, it is well known, extended from the Sabine, on the east, to the Rio Grande, on the west, embracing the whole of Texas. That rule of international law which prohibits the armed occupation of disputed territory did not, and *could not*, apply to the then dispute between the United States and Mexico. This, I think, will appear from the following considerations:

First. Mexico stood in a state of hostility towards the United States, from her own declarations and acts; was raising and equipping armies for the invasion of Texas, which was the territory just annexed to the United States. And this rule, so far as I have been able to examine the writers on international law, has never been applied to belligerent nations, but only to nations in a state of peace.

Second. Mexico had withdrawn her minister resident at Washington, and refused to negotiate on the subject in controversy long before the march of the army to the Rio Grande. At the earnest solicitation of the United States, with a view to the amicable adjustment of the dispute, the Mexican Government had agreed to receive a minister from the United States for that purpose. Mr. Slidell was accordingly appointed, and arrived at Mexico on the 6th December, 1845. But on the 24th December, 1845, Mexico refused to receive Mr. Slidell; and on the 29th of the same month, the government of Herrera was overthrown for having considered the subject of negotiation; and on its ruins was

erected the government of Paredes, pledged to the prosecution of the war against the United States for the reconquest of Texas—thus ending all hope of an amicable arrangement of the difficulty.

And third, the *non-application* of the rule may be argued from the absolute necessity of the case. This may be considered a new principle, and quite a novel way of disposing of that rule of international law. But all such rules have their origin in necessity and right, and are discoverable by enlightened human reason. And unless the President could place the army in Texas, which was the disputed territory, the *whole* would necessarily be abandoned, contrary to the expressed will of Congress. Who would have the President surrender Texas to the ravages of the Mexican army? *None* are so lost to all sense of justice and constitutional duty. Hear what Mr. Clay says in his Lexington speech:

"But who would now think of perpetrating the folly of casting Texas out of the Confederacy, and throwing her back upon her own independence, or into the arms of Mexico? Who would now seek to divorce her from this Union?"

But if the President could not cast off Texas, neither could he cast off *any part* of it, and was bound to defend the whole.

Moreover, one remark made by the gentleman from Maryland [Mr. ROMAN] fully sustains the positions which I have taken, and clearly shows that a state of hostilities was in actual existence, according to the opinion of Mexico, long previous to the march of our army from Corpus Christi to the Rio Grande. He stated in his argument that our consul, Mr. Black, in his letter, informed Mr. Buchanan, our Secretary of State, that Mexico had agreed to *suspend hostilities* for a time, and try the effect of negotiation. This occurred in the fall of 1845, before Mr. Slidell was either appointed or *rejected*, as before stated; and about the same time, or shortly afterwards, the Mexican Minister of Foreign Affairs (Mr. Peña y Peña) wrote, in substance, the same thing to Mr. Buchanan. But notice particularly the effect of the gentleman's reference. "*To suspend hostilities.*" What does that mean? Does that look like a state of peace? Are "*hostilities*" and "*peace*" synonymous, or even *compatible* terms? Yet that gentleman and those with whom he acts say the President *commenced the war, while he proves, by the reference which he himself has made, that a state of hostilities was in existence in the fall of 1845, more than six months before the army was marched to the Rio Grande.*

But gentlemen resort to another expedient, in order to avoid, if possible, the force of these conclusions, and to sustain their imputations against the President. Seeing the effect of the foregoing facts, they next say, that although the army might be placed in Texas, and although it was the duty of the President to repel invasion, yet he had no right to march to the left bank of the Rio Grande—alleging that *that* was no part of Texas. But when and where did you get the distinction between Texas to the Nueces and Texas to the Rio Grande? You certainly did not get it from Mexico. She has claimed the whole, and called it a "*revolted province.*" Had Mexico ever abandoned her claim to Texas east of the *Nueces*? Certainly not; for after we had defeated Mexico in numerous engagements—overrun and occupied more

than half of her territory—she then proposed, through her commissioners, to Mr. Trist, to make the *Nueces the boundary!* She surely could not have had the effrontery to make that offer, if she had previously abandoned all claim east of the Nueces. So that, in any event, even had the President abandoned all of Texas lying west of the Nueces, (and all of you admit a *part lies west* of that river,) still war was inevitable. And on this point permit me to read an extract from the very able speech delivered by the distinguished Whig Senator from Maryland [Mr. Johnson] a few days since:

“From the commencement of the revolution, in 1831, to the independence declared by Texas, in 1836—from that period to the admission of Texas into our Union, in 1845, and up to the present hour, no Mexican document can be found, military or civil—no Mexican officer, military or civil, has ever been known—to contend that the territory lying between the Nueces and the Rio Grande belonged to Mexico by any other title than that which she maintained to the whole territory from the Sabine to the Rio Grande.”

With what propriety, therefore, can it be now said that the President had no right to march the army to the Rio Grande, when it is evident that Mexico set up the same claim of title to the *whole of Texas* without distinction, and to have withheld the army from territory claimed by Mexico would have been a complete abandonment of the whole of Texas? But let us look still further into the nature and quality of the Texan claim to the Rio Grande, and see if it was of such a character as would authorize the President, on the emergency before stated, to protect and defend it from invasion.

It will be recollected that the ardent love of liberty which fired the bosoms of the brave Texans, prompted them to take up arms in the exercise of their inalienable rights, and fight for independence. Mexico, under Santa Anna, her President and leader, sought to subjugate Texas. On the 31st of April, 1836, the two armies met at San Jacinto, where the Texan forces utterly defeated the Mexicans, and took Santa Anna a prisoner. This battle has generally been considered decisive of the contest; and shortly afterwards, Santa Anna made a treaty with Texas, acknowledging her independence, the fifth article of which describes the boundary as follows:

“The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the said river to the point where the river assumes the name of the Rio Bravo Del Norte; from which point it shall proceed on the western bank to the head waters or source of said river—it being understood that the terms *Rio Grande* and *Rio Bravo Del Norte*, apply to and designate one and the same stream—from the source of said river (the principal head branch being taken to ascertain that source) a due north line shall be run, until it intersects the boundary line established and described by the treaty negotiated by and between the Government of Spain and the Government of the United States of America.”

Now, whatever may be said of this treaty, of its validity and binding force upon Mexico, it at least shows one thing, and that is, that, according to the understanding of the two parties, Texas and Mexico, the *Rio Grande* was considered the limit, dividing line, or line of demarcation; and that the bone of contention between them was the independence of Texas, including all the territory lying east of the *Rio Grande*; for although Mexico, in violation of good faith, afterwards objected to the treaty, and prepared to re-invalidate Texas, yet the only ground of opposition was the *independence of Texas, and not the limit or boundary line—to which,*

as far as I am informed, she never made any objection. Indeed, if the *boundary* had been her objection, it would at once have opened the door to negotiation and settlement.

Again: shortly after the making of said treaty, the Texan Congress passed a law describing her boundary, precisely as it is described in the above treaty, claiming to the Rio Grande on the west. And with this *claim of boundary*, in view of the success of the Texan arms against Mexico, and in view of the treaty just referred to, the United States, and the principal Powers of the world, acknowledged the *independence of Texas*, without any qualification whatever. And to show the effect of such acknowledgment, I will read an extract from the message of President Jackson, December 21, 1836, whose opinions are always entitled to high respect and serious consideration:

“The title of Texas to the territory she claims is identified with her independence.”

Thus it appears, by the opinion of General Jackson, that the principal nations of the earth, by acknowledging the independence of Texas, have admitted the validity of her claim to its whole extent. In reply to this, gentlemen have asked, “What if Texas had claimed the whole of Mexico?” I answer, that if such *had* been the case, she would not have been acknowledged independent, because the truth would have been the reverse. The acknowledgment of independence was only the recognition of an existing fact—not the promulgation of a new one; and hence that acknowledgment would not have been made, unless the fact recognized did actually exist. And when thus recognized, fairly and without collusion, it is a sufficient evidence of title to govern the conduct of other independent nations in their relations with such Government.

Another fact strengthening my positions, and showing that the Rio Grande was regarded as the western boundary of the territory in dispute, is this: In 1843, an armistice was proposed and partially ratified between Texas and Mexico—so much so, that each party for a time conformed to its provisions—by which it was agreed that the Texan army should not go *west* of the Rio Grande, and the Mexican army should not go *east* of the Rio Grande; thus proving, beyond all cavil, that Mexico herself, as well as Texas, regarded the Rio Grande as the turning point in the controversy, and as the line of demarcation.

Moreover, it should be recollected, that from 1836, when Santa Anna surrendered to General Houston, and from the time Texas claimed the boundary of the Rio Grande—from that time to 1843, on every occasion in which the Mexican army crossed the Rio Grande and invaded Texas, they were repelled and driven back by the Texans to the west of that river. And the gentleman from Maryland, above referred to, says: “From 1843 to the 4th July, 1845, when annexation was perfected, *no hostile Mexican ever crossed the Rio Grande.*” Consequently, Texas had manifested an ability to maintain, to that extent, her independence.

And Texas, with a claim so clearly set forth and so well founded on indisputable facts, was annexed to the United States, and admitted into the Federal Union, under the sanction of the laws of Congress. Now, sir, with all these facts before the country, can any man assert that the territory

to the Rio Grande was not claimed by Texas? And all her claim was conveyed to the United States. If, then, that territory had been *claimed* by Texas, and *not* by Mexico, the title would have been perfect and quiet; but if the title was *claimed* by Mexico, and also by Texas, then it was *disputed* territory; and, if disputed territory—which no one will deny—then, according to my preceding arguments, in the emergency then existing, it was not only the *constitutional right*, but also the *imperative duty*, of the Executive to protect and defend it against all invasion. What right had the Executive to surrender any portion of the territory *claimed* by Texas? All that claim had been annexed by the Congress, and the only power of the President to relinquish any claim of territory is conjointly with the Senate as the *treaty-making* power. The treaty power had been tried in vain. Mr. Slidell was sent to Mexico to settle the difficulty. On the 24th December, 1845, he was rejected by the Government of Mexico. On the 29th December, 1845, Herrera's administration was overthrown by military force, in consequence of having considered the question of negotiating with our Government. Paredes came into power, pledged to reconquer the same Texas which we had annexed, and which the President was bound to defend. And yet the magnanimity of the President induced him to instruct Mr. Slidell to make another effort at negotiation, which he did, and was finally *rejected* on the 12th March, 1846, by Paredes's government; and the army of General Taylor did not touch the territory, which gentlemen call disputed, until some time in April, 1846. These are facts, sir, which *defy* contradiction, and triumphantly sustain the Executive in all his conduct. But gentlemen say the President *did not know* of the rejection of negotiation, before the order to march the army to the Rio Grande was *made*. This is a strange objection, and shows the great *extremity* to which they are *driven* to hunt up objections. Why, I care not whether he had any *official* information. *The facts* are, as I have before stated; and the *result* proves with what accuracy he formed his judgment of events, and prepared to meet the coming exigency.

Here, then, Mr. Chairman, is the true state of the case: Texas having claimed the territory from the Sabine to the Rio Grande; the United States having acquired all the title of Texas; Mexico having also claimed the country to the Sabine; Mexico having brought about a state of hostilities; having threatened to invade and reconquer Texas; all attempts at negotiation having wholly failed; our minister of peace being refused; Mexico having collected large armies on the west of the Rio Grande, and ready to put her threat of invasion into execution,—then, at this point of time and in this condition of affairs, the President, as a precautionary measure, places the army on the east bank of the Rio Grande, a part of the disputed territory. The Mexican army comes over the Rio Grande, and kills American citizens and American soldiers; and, having butchered this small party, attacks the army under General Taylor. This attack is successfully repulsed; and because of all this, are we to be told by *Americans* that the President *commenced* the war? Shame, shame! to those who oppose their country's rights. To what lengths will partisan zeal lead, for the sake of injuring a political opponent! But it cannot finally

"injure the President. Truth is powerful; the people are just; and the President may anticipate, with pleasure, the verdict which they will render.

Mr. Chairman, I have endeavored, in my preceding remarks, to establish—first, that it was the *right and duty* of the President to protect and defend Texas against all threatened invasion; second, that under the peculiar circumstances of this case, as invasion was impending, it was his duty to march the army to the most eligible point of defence, even on *disputed territory*, or to abandon the whole of Texas to the enemy; and third, that the disputed territory extended from the Sabine to the Rio Grande. Whether my arguments are satisfactory to the Opposition, I cannot pretend to say; but for myself, they prove conclusively that it was the right and the duty of the President to march the army to the Rio Grande.

But before I quit this part of my remarks, there is one argument made by the gentleman from Maryland, [Mr. ROMAN,] which I must notice. He says, the President, in defending to the left bank of the Rio Grande, has gone directly contrary to the opinion of the Senate, as expressed on the *Tyler treaty*.

But so far from this being the case, the reverse is true, as a few moments reflection will prove. And the President in this respect, although not bound to do so, has acted in exact *conformity* with the will of the Senate as thereon manifested. The Tyler treaty conveyed to the United States only whatever title Texas had. The resolutions of annexation accomplish *precisely* the same thing. Both leave the question of boundary to be settled or adjusted with Mexico. The Tyler treaty is in the following language:

"The Republic of Texas, acting in conformity with the wishes of the people, and every department of its government, *cedes* to the United States *all its territories*, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their territories, *subject to the same constitutional provisions with other territories.*"—*Art. 1 of Treaty.*

It will be observed by this treaty that the United States would have acquired, simply, *all the territories* of Texas, with such title only as Texas possessed. By the resolution of annexation by which we have acquired Texas, the claim is of a precisely similar character. It is in these words:

"That Congress doth consent that the *territory properly included within, and rightfully belonging to*, the Republic of Texas may be erected into a new State, &c., &c., subject to the following conditions: first, said State to be formed subject to the adjustment by this Government of all questions of boundary, &c.

"Approved March 1, 1845."

Now, the Tyler treaty was *rejected* by the Senate, on the ground that, as Texas *claimed* to the Rio Grande, we would be taking from Mexico a portion of her territory. How, I ask, would that be taking territory from Mexico? Not by ratifying the treaty; for without *enforcing* the claim, it would certainly do Mexico no harm whatever. And if the Senate believed, as they did, that the ratification of the treaty would be robbing Mexico, it must have been on the ground, that in the absence of negotiation or settlement with Mexico, it would be the duty of the Government, and the President, as the executive officer, *to protect and defend to the utmost verge of the claim*. And, of course, the same duty devolved on the President under the resolutions of annexation, as they acquire exactly what the treaty would have acquired.

And if it would have been the duty of the President to defend the *whole* claim under the treaty, it would likewise be his duty to defend the *whole* claim under the resolutions of annexation. About this there can be no contrariety of opinion. Yet the President, with admirable prudence, sought to adjust the boundary in a friendly manner, and never marched the army to the Rio Grande, until the menaces of Mexico were endangering the free citizens of America, and when, to have refused or neglected to afford protection, would have been to submit to insult and outrage, in violation of his duty.

Sir, these facts, to my mind, conclusively and emphatically sustain the President in doing what he did. Yes, sir, they more than justify his conduct; they prove to the world with what circumspection, caution, and justice, with what energy, vigor, and perseverance, he has administered the Government, and protected and defended the honor and the interests of this great nation. For this, and for his magnanimity and prudence, for his sagacity and firmness, as manifested in the management of our public affairs, he will ever be gratefully remembered by the American people.

But, Mr. Chairman, before I close my remarks, I must call the attention of the committee to a few other facts. It will be observed, that this charge against the President has been shaped with a great deal of ingenuity, and that while these gentlemen have declared the war *unconstitutionally* commenced by the President, they have not committed themselves to anything *but the commencement*. Will these gentlemen declare the war now to be unconstitutional? After the 13th May, 1846, was the war unconstitutional? Or did its unconstitutionality cease on that day? I desire you to answer these questions, not for myself, but for the country. If you say the war is still unconstitutional, then, according to the rule which you have asserted, you are guilty of all the blood that has been shed, and all the treasure that has been wasted, since the 13th May, 1846. On that day you voted to *prosecute* the war, and made it the duty of the President to do so. Yes, *all* of you, except fourteen, have done this. And although there was strength enough in the House to have passed the law without your votes, still, if you considered the war *unconstitutional*, you should at least have preserved your own consciences from offence, and have washed your hands of blood, by voting against the war. But having voted to prosecute the war, you certainly then considered the war constitutional. And in this you were manifestly correct. *Any* announcement, by the proper constitutional power of a government, that *war exists*, is a DECLARATION OF WAR. Congress is invested with power to *declare war*; and having announced that fact in the act of 13th May, 1846, it is certainly beyond dispute that from thenceforth the war was constitutional, and that it now exists, and is sanctioned by authority of the Constitution.

Prior to the 13th May, 1846, the President was justified in his acts, by being authorized to repel invasion; and since that point of time, the war has been constitutional, by being *legally* and constitutionally declared. But besides the positive authority of the Constitution just noticed to sustain the war, there is one act of this House which proves that you now consider the war constitutional. When a resolution was offered, a few

days since, for the purpose of withdrawing the army from Mexico, the majority of the Opposition (and all of this side) voted the resolution on the table. *There it sleeps*. You had the power to pass the resolution: why did you not pass it? If you considered the war unconstitutional, were you not bound by your oaths to withdraw the army? As moral agents, and as good citizens, were you not bound to do so? Most certainly. And yet you did not. Therefore, but one conclusion can be drawn from this conduct, and that is, that you do *not* consider the war unconstitutional.

Now, then, the war being clearly constitutional, as admitted by your own official conduct, under the solemn sanction of an oath, there is but one just course for you to pursue, and that is, to give the war your *heartly cooperation*.

Mr. Clay, in his celebrated Lexington speech, in 1847, speaking of the war of 1812, and of the Federalists of that period, makes use of the following very remarkable language, to which I invoke your serious and careful attention:

"That war being deliberately and constitutionally declared, it was their (the Federalists) duty to have given it their hearty cooperation. But the mass of them did not. They lost, and justly lost, the public confidence."

Here is authority to which you cannot object, making it your duty to give the war your "*heartly cooperation*." Observe, it is not sufficient to give the war a reluctant support, but it must be a "*heartly cooperation*." Your very soul must enter into the subject. You must *feel* an interest in it. But have you done so? Have you heartily cooperated in the prosecution of this war? Examine your own bosoms, look into your own hearts, and answer this question. So far as your language and conduct are concerned, they are before the public, and the *people* will judge whether you have done your duty. And should you be found not to have "*heartily cooperated*" in the prosecution of the war, you may look forward with certainty to be judged by this rule of Mr. Clay's, and consequently *to lose, and justly lose, the public confidence*.

But do you ask for what end the war shall be prosecuted? I answer, to accomplish the original purpose declared in the law of 13th May, 1846—to obtain an honorable peace. Yes, sir, this is our object—to protect and defend the honor of the nation, and to procure an honorable peace, with indemnity for the past and security for the future. When this is done, let us have peace, and the sooner the better. Peace is desirable, but not at the expense of national honor. We resort to war only from the necessity of the case; and most anxiously could we hope, that such necessity might never hereafter exist in the conduct of nation with nation. While, however, we are compelled to take up arms in defence of our national rights, let us, by all means, do so *unitedly and heartily*. For want of this union—by speaking and writing against the war, you encourage the enemy to hold out longer, to make further exertions; and you thus cause more blood to be shed, and more treasure to be expended. You likewise dampen the ardor of our soldiers, and chill and weaken the energies of the whole country. But for all such as cause a prolongation of the war by their own conduct, a fearful retribution is awaiting. Public sentiment will sooner or later pass upon their actions, and posterity will remember them but to execrate

their names. The idea of "*conquest*" seems to haunt the imaginations of gentlemen. They appear horror-struck with the thought of marching our victorious army into the enemy's country. Let gentlemen call to their recollection the war of 1812. *Then*, in the prosecution of the legitimate objects of the war, we invaded Canada; but no man now *dare*, in the face of the public, declare *that* act unconstitutional, without at once incurring the odium attached to the Federalists of 1812. As in that war, so in this. The conquest of Mexico has been a *consequence* or *incident*, *not* the *object* of the war. And from feelings of magnanimity, whenever the objects of the war can be fully secured, as before declared, we are willing to withdraw our armies, and restore the conquered country. But

should Mexico be unable or unwilling to make full reparation for her numerous wrongs, in a different way, then, in that event, we must take, under proper circumstances, full satisfaction in the shape of territory.

Mr. Chairman, I have hastily and briefly stated the grounds upon which I justify the President for that act, to which so much exception has been taken. And with all the facts and circumstances of the case before the people, I am perfectly willing to abide the decision which they may make. And there is at least one consoling reflection—that, let the politicians be as they may, the *people* are always for their *country*, and will always do justice to him who rallies to its support, whether in the field of battle or in the council chamber.

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